



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, AIRLINE
DIVISION

alleging a representation dispute
pursuant to Section 2, Ninth, of
the Railway Labor Act, as
amended

involving employees of

NEJETS SERVICES

39 NMB No. 33

CASE NO. R-7319
(File No. CR-7009)

FINDINGS UPON
INVESTIGATION –
DISMISSAL

April 5 , 2012

This determination addresses the application of the International Brotherhood of Teamsters, Airline Division (IBT or Organization) alleging a representation dispute pursuant to the Railway Labor Act¹ (RLA or Act), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among the Maintenance Controllers, employees of NetJets Services, Inc. (NJS or the Carrier). The IBT was certified as the representative of the Mechanics and Related Employees craft or class at Executive Jet Aviation (R-4482) in 1974. Executive Jet Aviation became NetJets in 2002. The IBT asserts that the Maintenance Controllers are part of the Mechanics and Related Employees craft or class.

For the reasons set forth below, the National Mediation Board (NMB or Board) finds that NetJets Sales is subject to the RLA and the Maintenance Controllers are already covered by the IBT's certification. Therefore, the Board dismisses the application.

¹ 45 U.S.C. § 151, *et seq.*

PROCEDURAL BACKGROUND

On March 4, 2011, the IBT filed an application alleging a representation dispute among the Carrier's Maintenance Controllers. The IBT requested that the Board accrete these employees into the Mechanics and Related Employees craft or class of NJA, NJS, and NetJets Sales and supported this request with its initial position statement and authorization cards. The IBT also asked the NMB to conduct an investigation to determine whether NJA, NJS, and NetJets Sales are operating as a single carrier. The Board assigned Cristina A. Bonaca to investigate. On March 14, 2011, the NMB requested certain information from NJS. NJS requested an extension of time to respond to the Board's request for information and the Investigator granted that request on March 25, 2011. NJS responded to the Board's request for information on March 31, 2011.

On April 11, 2011, the case was reassigned to Investigator Susanna F. Parker.

On April 12, 2001, the IBT requested an extension of time to respond to NJS's position statement. The Investigator granted the request until April 26, 2011. On May 3, 2011, the IBT requested an additional extension of time to respond to NJS's position statement. The Investigator granted the request and the IBT submitted its initial position statement on May 6, 2011. NJS filed a clarification letter on May 20, 2011. On August 8, 2011, the Board issued its decision in *NetJets Services, Inc.*, 38 NMB 274 (2011), finding that NJA exercises substantial control over NJS and its employees, and supports a finding of RLA jurisdiction. As a result of this determination, the Investigator requested information from the Carrier. On September 29, 2011, NJS requested an extension of time to respond to the Investigator's request for information. The Investigator granted the request and the Carrier responded to the request for information on October 21, 2011. The Investigator requested the IBT respond to the Carrier's submission by October 31, 2011. On October 28, 2011, the IBT requested an extension of time to respond. The Investigator granted the request and the IBT filed a response on November 10, 2011. NJS requested an opportunity to respond to the IBT's November 10, 2011 submission and the Investigator granted the request. NJS filed a response on November 21, 2011.

ISSUE

Are the Maintenance Controllers employed by NJS part of the Mechanics and Related Employees craft or class?

CONTENTIONS

IBT

The IBT contends that NetJets Sales is subject to the RLA and that the Maintenance Controllers are part of the Mechanics and Related Employees craft or class and, therefore, should be accreted into the craft or class. The IBT submitted the Collective Bargaining Agreement (CBA) for the Mechanics and Related Employees and Stock Clerks in support of its contention that NetJets Sales is subject to the RLA.

In support of its argument that Maintenance Controllers are properly included in the Mechanics and Related Employees craft or class, the IBT contends that Maintenance Controllers are responsible for maintaining all NetJets aircraft away from home base while ensuring that all maintenance is repaired in a timely manner. Citing the NetJets job description for Maintenance Controllers, the IBT contends that Maintenance Controllers are not management officials, but work under the supervision of management. In support of its argument, the IBT relies on *United Airlines*, 28 NMB 533 (2001), *Allegheny Airlines*, 26 NMB 487 (1999), and *US Airways*, 26 NMB 359 (1999). Further, the IBT argues that the Maintenance Controllers do not have any direct reports nor do they have the authority to authorize or grant overtime, discharge or discipline vendors, create Carrier policy, or conduct performance evaluations of other employees or vendors. According to the IBT, the Maintenance Control Center (MCC) Fleet Supervisors are responsible for staffing, training, rewarding and disciplining employees.

NJS

NJS asserts that the single transportation system analysis is not applicable in this case because NJS and NetJets Sales are not carriers. However, citing NMB decision, *NJI, Inc./NetJets Aviation, Inc.*, 37 NMB 186

(2010), NJS concedes that NJA is a carrier over which the Board has asserted jurisdiction.²

Additionally, NJS contends that the Maintenance Controllers should not be accreted to the Mechanics and Related Employees craft or class. NJS maintains that these employees “perform a significantly different job function than maintenance controllers on mainline carriers.” According to NJS, NetJets outsources much of its aircraft maintenance work and the Maintenance Controllers make outsourcing decisions daily. NJS contends that “the job functions of the Maintenance Controllers are in direct and constant conflict with the interests of the IBT-represented Mechanics and Related Employees who may claim the right to perform the outsourced work.” NJS asserts that the Maintenance Controllers do not perform any maintenance work and do not share a work-related community of interest with the IBT-represented Mechanics and Related Employees. Finally, NJS contends that the Maintenance Controllers are management officials.

NJS asserts that should the Board find that the Maintenance Controllers are not management officials, the Board should not treat them as an accretion to the Mechanics and Related Employees craft or class but rather, include them in a “residual office clerical craft or class in a future case.” The Carrier cites *US Airways, Inc.*, 31 NMB 324 (2004) in support of this contention.

FINDINGS OF LAW

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. § 151, *et seq.* Accordingly, the Board finds as follows:

I.

NJS is a common carrier by air as defined in 45 U.S.C. § 181.

II.

The IBT is a labor organization and/or representative as defined in 45 U.S.C. § 151, Sixth, and § 152, Ninth.

² A similar jurisdictional case was pending with the Board at the time the instant case was filed. In *NetJets Services, Inc.*, 38 NMB 274 (2011), the Board found that NJS is subject to the RLA.

III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions, “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this chapter.”

IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and to designate who may participate as eligible voters in the event an election is required.

STATEMENT OF FACTS

NJS provided information regarding the corporate entities involved in this case.

NetJets is a fractional aircraft ownership company that allows individuals and corporations to purchase shares of a NetJets aircraft. NetJets is owned by Berkshire Hathaway Inc., and NJS and NJA are wholly-owned subsidiaries of NetJets. NetJets Sales is a subsidiary of NJA. NetJets operates approximately 500 aircraft in the United States through NJA.

The officers and managers of NJS, NJA, and NetJets Sales ultimately report to the President of NetJets, Jordan Hansell. Mark Cook, Senior Director Labor and Employee Relations for NJS, is responsible for the personnel and human resources functions for the Maintenance Controllers. Cook is also responsible for the labor relations functions for the Mechanics and Related Employees.

NetJets has one website, <http://www.netjets.com>, and all United States flight services are held out to the public and marketed by NetJets using the corporate logo of “NetJets®”. NJS, NJA, and NetJets Sales are not independently marketed. NetJets, NJS, and NJA share corporate headquarters in Columbus, Ohio, at 4111 Bridgeway Avenue, which is connected to Port Columbus Airport. According to the Employee List submitted by the Carrier, as well as the Maintenance Controllers job description, all Maintenance Controllers are based in Columbus, Ohio.

The Mechanics and Related Employees and Stock Clerks CBA states, “This Collective Bargaining Agreement is entered into by and between NetJets Aviation, Inc. and NetJets Sales, Inc., (hereinafter, “the Company” or “NJA/NJS”) and the International Brotherhood of Teamsters, Airline Division (hereinafter, “Union”), as representative of the mechanics and related employees and stock clerks pursuant to the terms of the Railway Labor Act, as amended, hereinafter, (“the Act”). The CBA is signed by NJA management and the IBT.

I. Maintenance Controller Job Description

The IBT provided a job description for Maintenance Controllers. The position description lists the following duties:

- Ensure that all aircraft that are down for maintenance are repaired in a timely manner.
- Ensure that all departments affected by a grounded aircraft are aware of the status of that aircraft.
- Ensure each Aircraft Daily Status Report, MEL, and inspection due list is reviewed for accuracy and due items.
- Work harmoniously with the Director of Maintenance, Chief Pilot, MCC Managers, Pilots, Maintenance Vendors, and all others associated with each aircraft certification.
- Keep close liaison and work harmoniously with the Systems Operations Center (SOC) to keep them advised of aircraft maintenance status.
- Ensure the MCC Maintenance Air Boss and the MCC Fleet Supervisor is notified of unusual circumstances.
- Responsible for ensuring proper documentation of the work performed on NetJets aircraft prior to approval of the aircraft for return to service.
- If requested, will travel to NetJets designated maintenance stations to observe maintenance on Company aircraft, act as a liaison to Aircraft Maintenance, and ensure maintenance documentation is complete and correct before it is sent to NetJets.
- Request aircraft parts for grounded aircraft are obtained and shipped in a timely manner.
- Authorize transportation to be arranged for maintenance personnel for aircraft grounded cross-country.

- Perform any additional duties and responsibilities as assigned to meet MCC and NJA objectives.

According to the position description, the purpose of the position:

Ensures all NetJets aircraft are maintained away from home base in compliance with all regulatory requirements for NetJets aircraft. Contacts and arranges for maintenance personnel to clear aircraft discrepancies and return aircraft to service in a timely and effective manner. Supervises, in an executive capacity, the maintenance and/or alteration of NetJets aircraft.

...

The MCC Maintenance Controller is responsible to the Maintenance Air Boss for day-to-day operations and the MCC Fleet Supervisor for fleet issues.

The education qualifications of the Maintenance Controller position are a high school diploma and an associate's degree is preferred. In addition, an FAA Airframe and Power Plant Mechanic Certification and five years of aviation maintenance experience are required. According to the job description, Maintenance Controllers are part of the MCC department and report to the MCC Fleet Supervisor.

According to the position description, the scope of the position is described as follows:

This position is an individual contributor and has no supervisory responsibilities. Provides functional expertise through day-to-day work tasks. Works under the supervision of management.

II. Maintenance Air Boss Job Description

NJS provided a job description for the Maintenance Air Boss position. The job description states:

This is a tactical position that manages the "day of" maintenance operations in the SOC to ensure timely repair of NetJets aircraft.

This position is responsible for the overall direction, coordination, and execution of the daily maintenance plan. This position carries out supervisory responsibilities in accordance with the organization's policies and applicable laws.

The Maintenance Air Boss position description lists the following duties: planning, assigning, and directing work; coordinating maintenance assets; addressing complaints and resolving problems; supervising in an executive capacity, the maintenance or alteration of NetJets aircraft; ensuring that all Maintenance Controllers know their daily assignments; providing accurate and timely shift reports to the Aircraft Maintenance Department designees' ensuring review of the daily aircraft maintenance status and aircraft MEL list for the NJA fleet; notifying the Director, Maintenance Control & Administration and General Manager, MCC of any unusual circumstances.

According to the position description, Maintenance Air Bosses represent the NetJets MCC and serve as the maintenance liaison between Scheduling, Operations, Owner Services and Crew Services. Additionally, the position description states that Maintenance Air Bosses share NetJets' commitment to safe and compliant aircraft operations while focusing on continuous improvements in aircraft availability, dispatch reliability and operating costs. According to the position description, this is a key role in the management of company assets and the delivery of NetJets' transportation services. Additionally, the Maintenance Air Boss is empowered to conduct and carry out designated functions of the Director of Maintenance Office.

The education qualifications of the Maintenance Air Boss position are a high school diploma and an associate's degree is preferred. In addition, an FAA Airframe and Power Plant Mechanic Certification and six to eight years of work experience are required. According to the job description, Maintenance Air Bosses are part of the MCC department and report to the General Manager, MCC.

According to the position description, the scope of the position is described as follows:

This position manages up to 10 subordinate supervisor(s) who supervise(s) a total of 0 employees in the MCC department(s). This position also directly supervises up to 25 non-supervisory employee(s).

This position is responsible for establishing work unit goals and the execution of departmental plans. Supervises, coordinates, provides leadership to and reviews the work of professional and supervisory level subordinates in order to accomplish operational plans and results. Estimates staffing needs and schedules and assigns work to subordinates to meet service and budget targets. Contributes to the development of an operating plan and budget. Responsible for managing to a budget. Build teams by coaching and developing staff. Ensures performance planning and evaluation of employee(s) occurs per policy. Responsible for all aspects of staffing, training, rewarding and disciplining employees.

III. Supervisor, Fleet Job Description

NJS provided a job description for the Supervisor, Fleet position. The job description states that the Supervisor, Fleet “supervises assigned MCC Maintenance Controllers, supporting the unscheduled maintenance or alteration of NetJets aircraft, achieve Company objectives in safety, service excellence, operational performance, and financial management.” Additionally, the Supervisor, Fleet:

Maintains a current knowledge of maintenance provider capabilities. Coordinates the setup operation of maintenance and maintenance-related items and selection of the maintenance provider. Monitors aircraft maintenance problems at repair facilities. If requested, travels to NetJets designated maintenance stations to observe maintenance on Company aircraft, act as a liaison to MCC, and ensure maintenance documentation is complete and correct before it is sent to MCC.

The education qualifications of the Supervisor, Fleet position are a high school diploma and an associate’s degree is preferred. In addition, an FAA Airframe and Power Plant Mechanic Certification and four to six years of work experience are required. According to the job description, the Supervisor, Fleet position is part of the MCC department and reports to the General Manager, MCC.

IV. Duties and Responsibilities of Maintenance Controllers

Based on the position descriptions provided by NJS, Maintenance Controllers report to the MCC Fleet Supervisor, who in turn reports to the MCC

General Manager. The Maintenance Air Bosses also report to the MCC General Manager, and all of these positions are part of the MCC Department.

Mark Cook, Senior Director Labor & Employee Relations for NetJets Services, Inc., provided a declaration in this matter. Cook states that he is responsible for labor relations for the Mechanics and Related Employees and supports the personnel and human resources functions for the Maintenance Controllers. According to Cook, the IBT-represented Mechanics and Related Employees have filed grievances challenging the outsourcing decisions made by Maintenance Controllers. Additionally, Cook states that NetJets' management team receives complaints on a daily basis from the mechanics regarding the assignments and decisions made by Maintenance Controllers. According to Cook, the Maintenance Controllers position is a salaried position.

Richard Shideler, Vice President of Maintenance, NJ Executive Services, Inc. and Director of Maintenance for NJA, provided a declaration in this matter. According to Shideler, Maintenance Controllers act as delegates of the Director of Maintenance and exercise independent authority and discretion regarding maintenance and repair work, on a daily basis. Shideler estimates that approximately 10-15 percent of maintenance work is performed in-house by mechanics and the remainder of the work is outsourced. Shideler states that when a Maintenance Controller decides to outsource work, the Maintenance Controller may select a vendor from a list of approved vendors, or choose another vendor, without approval from higher level management officials. According to Shideler, "If the Maintenance Controller selects a vendor from the list of more than 800 approved vendors, the vendor may have a master service agreement or warranty agreement with NJA that governs the pricing or warranty terms for the part to be supplied and/or the repair work to be performed on the aircraft." Shideler also states that Maintenance Controllers have "independent authority and discretion" to choose a vendor that is not on the approved list. According to Shideler, there is an annual budget of \$90 million for unscheduled maintenance work, but "there is no budgetary restriction on individual maintenance or repair decisions made by the Maintenance Controllers. . . . Maintenance Controllers routinely and independently make decisions regarding the ordering of parts and repair of aircraft that costs tens of thousands of dollars." Shideler maintains that "the planning, assigning, and directing of unscheduled maintenance and repair work, whether performed by vendors or field mechanics, is the responsibility and primary job function of the Maintenance Controllers." Furthermore, Shideler states that Maintenance Controllers oversee the maintenance work performed by the vendor or field mechanic.

Shideler states that Maintenance Controllers perform their work at a desk in an office, give instructions to mechanics or vendors by telephone or email, do not physically inspect the aircraft, do not wear uniforms, and do not perform any maintenance work.

DISCUSSION

NetJets Sales

Under Section 151, First, an entity may be a carrier either directly or indirectly, by operating a railroad, or indirectly as a subsidiary or derivative carrier. *Rail Link*, 35 NMB 250 (2008), *Georgia Ports Authority*, 31 NMB 303 (2004). A derivative or subsidiary carrier is one that is “directly or indirectly owned or controlled by or under common control with any carrier by railroad.” 45 U.S.C. § 151, First. The RLA at 45 U.S.C. § 181 extends coverage to air carriers and “every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers”

In *NJI, Inc./NetJets Aviation, Inc.*, 37 NMB 186 (2010), the Board found NJA to be a “carrier” within the scope of Section 181, First, of the Act. Additionally, in *NetJets Services, Inc.*, 38 NMB 274 (2011), the Board found NJS to be subject to the RLA.

NetJets Sales does not fly aircraft and is not directly or indirectly owned by an air carrier.

NetJets has one website, <http://www.netjets.com>, and all United States flight services are held out to the public and marketed by NetJets using the corporate logo of “NetJets®”. This is the only identifying graphic for NetJets and all NetJets United States subsidiaries, including NJA, NJS, and NetJets Sales.

The NetJets companies share corporate headquarters as well as office space in Columbus, Ohio.

NJA, NJS, and NetJets Sales’ labor relations and human resources are commonly managed. The CBA between the Carrier and the Mechanics and Related Employees and Stock Clerks refers to NJA and NetJets Sales as one entity and is signed only by NJA on behalf of the Carrier. Additionally, all submissions in this case were filed solely by NJS on behalf of the Carrier. Finally, once the Board issued its decision in *NetJets Services, Inc.*, *above*,

finding that NJS is subject to the RLA, neither party addressed the issue of whether or not NetJets Sales is subject to the RLA.

Therefore, based on the discussion above, the NMB finds that this record establishes that NetJets Sales is subject to RLA jurisdiction.

Maintenance Controllers are Not Management Officials

The IBT seeks to accrete Maintenance Controllers into the Mechanics and Related Employees craft or class. NJS asserts that these individuals are management officials, and therefore, not part of the craft or class.

The Board's Representation Manual (Manual) addresses the ineligibility of management officials. Manual Section 9.211 states:

Management officials are ineligible to vote. Management officials include individuals with:

- (1) The authority to dismiss and/or discipline employees or to effectively recommend the same;
- (2) The authority to supervise;
- (3) The ability to authorize and grant overtime;
- (4) The authority to transfer and/or establish assignments;
- (5) The authority to create carrier policy; and,
- (6) The authority to commit carrier funds.

The Investigator also considers:

- (1) Whether the authority exercised is circumscribed by operating and policy manuals;
- (2) The placement of the individual in the organizational hierarchy of the carrier; and,
- (3) Any other relevant factors regarding the individual's duties and responsibilities.

When evaluating managerial authority, the Board evaluates the above factors cumulatively. See *USAir*, 24 NMB 38, 40 (1996) citing *Pan American World Airways*, 5 NMB 112, 115 (1973). "In many cases, the Board finds that while there are certain factors indicating some level of authority, when all the factors are viewed cumulatively the individuals at issue generally are first-line supervisors, not management officials." *USAir*, *above*, at 41.

NJS argues that Maintenance Controllers are management officials for the following reasons: Maintenance Controllers exercise independent authority and discretion regarding maintenance and repair work performed by the vendor or field mechanic; perform their work at a desk in an office; give instructions to mechanics or vendors by telephone or email; do not physically inspect the aircraft; do not wear uniforms; and do not perform any maintenance work.

The Board has consistently held that individuals performing the job duties described above are not management officials. *Southwest Airlines*, 38 NMB 87 (2011) (Maintenance Technicians and Maintenance Controllers (including Operations Team Leaders found part of the Mechanics and Related Employees craft or class based on the fact that Maintenance Controllers monitor, control, and record maintenance activities and resources and have a level of authority of first line supervisors, not management officials. Additionally, the Board found that while Operations Team Leaders “provide direct oversight and supervision of on-duty Maintenance Controller” this supervision is a “lead” employee and not a management official.) *See also United Airlines*, 32 NMB 75 (2004); *AirTran Airways*, 31 NMB 45 (2003); *Hawaiian Airlines*, 29 NMB 308 (2002) (Maintenance Controllers/Coordinators found part of the Mechanics and Related Employees craft or class as they generally direct the maintenance of the fleet); *United Parcel Serv.*, 27 NMB 3 (1999) (Maintenance Controllers held to be part of the Mechanics and Related Employees craft or class, who were “responsible for monitoring aircraft maintenance, and of necessity work with Mechanics and other maintenance personnel to perform that function”); *Allegheny Airlines*, 26 NMB 487 (1999) (Maintenance Operations Controllers who coordinated and controlled aircraft maintenance functions and recorded all incoming flight discrepancies were found to be part of the Mechanics and Related Employees craft or class); *Mesaba Airlines*, 26 NMB 227 (1999) (Maintenance Controllers are part of the Mechanics and Related Employees craft or class).

The Carriers argument that NJS’s Maintenance Controllers perform different functions than maintenance controllers at mainline carriers due to NJA’s unique operation is unpersuasive. The fact remains that NJS’s Maintenance Controllers do not have the authority to discipline employees; do not supervise employees; do not authorize or grant overtime; and do not create carrier policy. Although NJS’s Maintenance Controllers can order parts and engage vendors, when viewed cumulatively, there is insufficient evidence that these employees are management officials.

Therefore, the Board concludes, based upon the evidence presented in this case and the precedent discussed above, that Maintenance Controllers are not management officials.

II. Work-Related Community of Interest

In determining the appropriate craft or class on a particular carrier, the Board examines a number of factors including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *United Parcel Serv.*, 33 NMB 307 (2006); *AirTran Airways, Inc.*, 31 NMB 45 (2003); *United Parcel Serv. Co.*, 30 NMB 84 (2002); *Frontier Airlines, Inc.*, 29 NMB 28 (2001). The factor of work-related community of interest is particularly important. *US Airways, Inc.*, 31 NMB 324, 334 (2004). To evaluate this factor, the Board examines the actual duties and responsibilities of the employees, the environment in which the employees work, and the interaction among the employees involved. *American Airlines, Inc.*, 10 NMB 26, 39 (1982). The purpose of the community of interest test is to ensure that a particular grouping of employees “possess a sufficiently distinct community of interest and commonality of functional characteristics to ensure a mutuality of interest in the objective of collective bargaining.” *Continental Airlines, Inc./Continental Express, Inc.*, 27 NMB 99, 109 (1999).

The Board makes craft or class determinations on a case by case basis, relying upon NMB policy and precedent. *US Airways, Inc.*, 28 NMB 104 (2000); *US Air*, 15 NMB 369 (1988).

The Board has examined the scope of the craft or class of Mechanics and Related Employees in numerous decisions. *AirTran Airways, above*; *United Parcel Serv. Co., above*; *US Airways, Inc., above*; *United Parcel Serv. Co.*, 27 NMB 3 (1999). “The related employees . . . while of different skill levels from the mechanics, nonetheless are closely related to them in that they are engaged in a common function – the maintenance function” *Eastern Air Lines, Inc.*, 4 NMB 54, 63 (1965). This “functional” connection between mechanic classifications and those employees who perform related maintenance operation has historically formed the basis for their identity as a single craft or class. *Id.*; see also *Federal Express Corp.*, 20 NMB 360 (1993).

It is equally well-settled that the Board includes employees other than mechanics in the Mechanics and Related Employees craft or class. The Board’s inclusion of “related” employees is based on the regular direct contact

with the Mechanics and a strong tie to the maintenance function. *Southwest Airlines*, 38 NMB 87, 102 (2011).

The Carrier argues that accretion is not appropriate in this case because of a conflict of interest between the Maintenance Controllers and the IBT-represented Mechanics and Related Employees craft or class. Instead, the Carrier argues that the Maintenance Controllers would more appropriately be included in the Office and Clerical Employees craft or class in a future case. The Carrier's reliance on *US Airways, Inc.*, 31 NMB 324 (2004), is misplaced. In *US Airways, Inc.*, *above*, the Board found that purchasing employees did not share a community of interest with the Mechanics and Related Employees based on the fact that they did not perform, schedule, or even assist with the maintenance function; and were not required to have any formal training or background in aircraft maintenance. Although these purchasing employees were responsible for procuring maintenance parts from third-party vendors, as the Maintenance Controllers at NJS, the purchasing employees were also responsible for negotiating the contracts with the vendors. NJS Maintenance Controllers do not negotiate contracts, but rather plan, assign, and direct unscheduled maintenance and repair work.

This case is very similar to *United Parcel Serv. Co.*, 27 NMB 3 (1999). In that case, the Board determined that Maintenance Controllers, who were responsible for monitoring aircraft maintenance, were properly included in the Mechanics and Related Employees craft or class. Although the Controllers were salaried employees, did not share any benefits with Mechanics, did not share any common supervision with Mechanics until the District Manager Level, did not receive the same training or wear uniforms, the Board concluded that Controllers performed functions traditionally performed by members of the craft or class of Mechanics and Related Employees. The Board noted that the Controllers' duties were to monitor aircraft maintenance operations and provide technical assistance and that in performing these duties they communicated with Mechanics by telephone. The Board also found quality control employees who are responsible for inspecting and overseeing the maintenance operations and equipment to be included in the Mechanics and Related Employees craft or class. See *USA Jet Airlines, Inc.*, 31 NMB 287 (2004); *US Airways*, 28 NMB 50 (2000); *Ross Aviation, Inc.*, 22 NMB 89 (1994).

Based upon the evidence presented, the Maintenance Controllers perform maintenance-related work. Accordingly, the Board finds that the Maintenance Controllers share a work-related community of interest with the Mechanics and Related Employees craft or class.

III. Accretion

The Board's broad discretion to determine the manner in which it conducts investigations in representation disputes was upheld conclusively in *Brotherhood of Ry. & S.S. Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965). The Court held that in determining the choice of employee representative, the RLA "leaves the details to the broad discretion of the Board with only the caveat that it 'insure' freedom from carrier interference." *Id.* at 668-69.

In *Ross Aviation, Inc., above*, the Board dismissed the Organization's application stating that an election was unnecessary because the employees at issue were already covered by Board certification. Since then, the Board has consistently followed this policy when it finds that particular job functions are traditionally performed by members of a certified craft or class. *Southwest Airlines*, 38 NMB 87 (2011); *United Air Lines, Inc.*, 32 NMB 75 (2004); *AirTran Airways, Inc.*, 31 NMB 45 (2003); *Frontier Airlines, Inc.*, 29 NMB 28 (2001).

The Board bases its accretion determinations upon a work-related community of interest. However, the Board requires all applications in representation matters to be supported by an adequate showing of interest. In this case, the requisite showing of interest was provided with the IBT's application and therefore, accretion is appropriate.

CONCLUSION

The Board finds that NetJets Services' Maintenance Controllers are covered by the certification in NMB Case No. R-4482. As there is no basis for further investigation, NMB File No. CR-7009 is converted to NMB Case No. R-7319 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.



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Member Dougherty, concurring.

I concur with the outcome of the Board's decision. However, I write separately because I believe that the Board should examine its accretion policy, particularly in light of the recent change to the Board's rules.